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**1816-CV05495 - HOWARD V. DAVIS AND HOULIHAN'S (E-CASE)**

<b>Case Header</b>	<b>Parties &amp; Attorneys</b>	<b>Docket Entries</b>	<b>Charges, Judgments &amp; Sentences</b>	<b>Service Information</b>	<b>Filings Due</b>	<b>Scheduled Hearings &amp; Trials</b>	<b>Civil Judgments</b>	<b>Garnishments/ Execution</b>
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**06/28/2018** ☐ [Corporation Served](#)

Document ID - 18-SMCC-6260; Served To - HOULIHAN'S RESTAURANTS, INC.; Server - ; Served Date - 25-JUN-18; Served Time - 10:35:00; Service Type - Special Process Server; Reason Description - Served; Service Text - served shelley lewis, agent

☐ [Notice of Service](#)

Affidavit of Service; Electronic Filing Certificate of Service.

**Filed By:** SCOTT A HUNTER

**On Behalf Of:** WILLIAM CHRISTOPHER HOWARD

**06/21/2018** ☐ [Summons Issued-Circuit](#)

Document ID: 18-SMCC-6260, for HOULIHAN'S RESTAURANTS, INC..

**06/20/2018** ☐ [Alias Summons Requested](#)

Request for Alias Summons; Electronic Filing Certificate of Service.

**Filed By:** SCOTT A HUNTER

**On Behalf Of:** WILLIAM CHRISTOPHER HOWARD

☐ [Amended Motion/Petition Filed](#)

First Amended Petition for Damages; Electronic Filing Certificate of Service.

**Filed By:** SCOTT A HUNTER

**05/21/2018** ☐ [Case Mgmt Conf Scheduled](#)
**Scheduled For:** 08/13/2018; 8:30 AM ; KENNETH R GARRETT III; Jackson - Independence

☐ [Motion Granted/Sustained](#)

Plaintiff's Oral Motion for Leave to Amend Petition is hereby GRANTED.

☐ [Hearing Continued/Rescheduled](#)
**Hearing Continued From:** 06/25/2018; 8:30 AM Case Management Conference

☐ [Hearing Held](#)
**Scheduled For:** 05/21/2018; 8:45 AM ; KENNETH R GARRETT III; Jackson - Independence

☐ [Satisfaction of Judgment Filed](#)
☐ [Judgment Entered](#)
☐ [Motion Granted/Sustained](#)
**Associated Entries:** 05/17/2018 - [Application Filed](#)
**05/17/2018** ☐ [Proposed Judmt/Dec Dis Filed](#)

Proposed Order and Judgment Approving Settlement with Defendant Christopher W Davis; Electronic Filing Certificate of Service

**Case 4:18-cv-00564-RK Document 1-1 Filed 07/25/18 Page 10 of 50 EXHIBIT A**

**Filed By:** SCOTT A HUNTER

**On Behalf Of:** WILLIAM CHRISTOPHER HOWARD

☐ [Application Filed](#)

Petition for Approval of Minor Settlement; Electronic Filing Certificate of Service.

**Filed By:** SCOTT A HUNTER

**Associated Entries:** 05/21/2018 - Motion Granted/Sustained

04/26/2018 ☐ **Hearing Scheduled**

**Associated Entries:** 05/21/2018 - Hearing Held

**Scheduled For:** 05/21/2018; 8:45 AM ; KENNETH R GARRETT III; Jackson - Independence

04/24/2018 ☐ [Waiver of Service](#)

Waiver of Service for Christopher Davis; Electronic Filing Certificate of Service.

**Filed By:** CLAYTON TYLER FIELDER

**On Behalf Of:** CHRISTOPHER W. DAVIS

☐ [Entry of Appearance Filed](#)

Entry of Appearance; Electronic Filing Certificate of Service.

**Filed By:** CLAYTON TYLER FIELDER

03/06/2018 ☐ [Summons Issued-Circuit](#)

Document ID: 18-SMCC-2183, for HOULIHAN'S RESTAURANTS, INC..

☐ [Summons Issued-Circuit](#)

Document ID: 18-SMCC-2182, for DAVIS, CHRISTOPHER W..

☐ [Order - Special Process Server](#)

☐ [Order Appt Next of Friend](#)

☐ [Case Mgmt Conf Scheduled](#)

**Associated Entries:** 05/21/2018 - Hearing Continued/Rescheduled

**Scheduled For:** 06/25/2018; 8:30 AM ; KENNETH R GARRETT III; Jackson - Independence

03/05/2018 ☐ **Filing Info Sheet eFiling**

**Filed By:** SCOTT A HUNTER

☐ [Motion Special Process Server](#)

Motion for Appointment of Private Process Server.

**Filed By:** SCOTT A HUNTER

**On Behalf Of:** WILLIAM CHRISTOPHER HOWARD

☐ [Proposed Order Filed](#)

**Filed By:** SCOTT A HUNTER

☐ [Motion to Appoint Next Friend](#)

Petition for Appointment of Next Friend.

**Filed By:** SCOTT A HUNTER

☐ [Motion to Appoint Next Friend](#)

Petition for Appointment of Next Friend.

**Filed By:** SCOTT A HUNTER

☐ [Pet Filed in Circuit Ct](#)

Petition for Damages.

☐ **Judge Assigned**

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

\_\_\_\_\_) a minor, and  
\_\_\_\_\_)  
a minor, by and through their Next Friend,  
WILLIAM CHRISTOPHER HOWARD,  
508 NE Spring Creek Place  
Lee's Summit, Missouri 64086,

Plaintiffs,

v.

**CHRISTOPHER W. DAVIS**

*Service by Private Process Server:*

1612 NE Auburn Drive

Lee's Summit, Missouri 64086,

and

**HOULIHAN'S RESTAURANTS, INC.,**

**d/b/a Houlihan's**

*Service by Private Process Server to Registered Agent:*

CSC-Lawyers Incorporating Service Company

221 Bolivar Street

Jefferson City, Missouri 65101,

Defendants.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**PETITION FOR DAMAGES**

COME NOW Plaintiffs \_\_\_\_\_ and \_\_\_\_\_ by and through their father and next friend William Christopher Howard and their undersigned counsel, and state and allege as follows for their Petition for Damages against Defendants Christopher W. Davis and Houlihan's Restaurants, Inc.:

**Count I – Vehicular Negligence against Defendant Davis**

COME NOW Plaintiffs \_\_\_\_\_ and \_\_\_\_\_ by and through their father and next friend William Christopher Howard, and state as follows for Count I of their Petition against Defendant Christopher W. Davis:

1. Plaintiff [REDACTED] is a minor who resides in Jackson County, Missouri, and who prosecutes this action through her father and next friend, William Christopher Howard, a resident of Jackson County, Missouri.

2. Plaintiff [REDACTED] is a minor who resides in Jackson County, Missouri, and who prosecutes this action through his father and next friend, William Christopher Howard, a resident of Jackson County, Missouri.

3. Defendant Christopher W. Davis is a resident of Jackson County, Missouri.

4. Venue and jurisdiction are proper with this Court in that the vehicular collision which is the basis for this suit occurred in Jackson County, Missouri.

5. On or about March 3, 2013, at approximately 3:11 p.m., Defendant Christopher Davis was the driver of a 2001 Chrysler Sebring.

6. On or about March 3, 2013, at approximately 3:11 p.m., Plaintiffs [REDACTED] and [REDACTED] were passengers in a 2000 Honda Odyssey, which was stopped at the intersection of Northeast Chipman Road and Northeast Independence Avenue.

7. Chipman Road, at the location of the motor vehicle collision in question, is a public thoroughfare in Jackson County, Missouri.

8. On or about the above-described date, place and time, the vehicle operated by Defendant Christopher Davis came into contact with the vehicle in which Plaintiffs were passengers, when Defendant's vehicle rear ended Plaintiffs' vehicle.

9. On or about the above-described date, place and time, Defendant Christopher Davis negligently and carelessly failed to exercise the highest degree of care in the operation of the 2001 Chrysler Sebring in that:

- a. Defendant was under the influence of alcohol;
- b. Defendant failed to keep a careful lookout ahead and laterally for other vehicles

including that of this Plaintiff;

- c. Defendant failed to stop when approaching the stopped vehicle being driven by Plaintiffs' father William Christopher Howard; and/or
- d. Defendant knew or in the exercise of the highest degree of care could have known of the reasonable likelihood of a collision in time thereafter to have stopped or swerved, but Defendant failed to do so.

10. As a direct and proximate result of Defendant Christopher Davis's negligent actions and omissions, as set forth particularly above, Plaintiff [REDACTED] sustained injuries to her right shoulder and cervical, upper thoracic and lumbar regions.

11. As a direct and proximate result of the aforementioned injuries and the subject motor vehicle collision, Plaintiff [REDACTED] has incurred health care provider bills and endured pain and suffering, mental anguish and loss of enjoyment of life.

12. As a direct and proximate result of Defendant Christopher Davis's negligent actions and omissions, as set forth particularly above, Plaintiff [REDACTED] sustained injuries to his right knee and his cervical and lumbar regions.

13. As a direct and proximate result of the aforementioned injuries and the subject motor vehicle collision, Plaintiff [REDACTED] has incurred health care provider bills and endured pain and suffering, mental anguish and loss of enjoyment of life.

**WHEREFORE**, Plaintiffs [REDACTED] and [REDACTED] by and through their father and next friend William Christopher Howard, pray that this Court enter judgment in their favor and against Defendant Christopher W. Davis for compensatory damages in an amount that is fair, reasonable and in excess of the jurisdictional minimum of this Court, plus court costs, plus post-judgment interest, and for such other and further relief as is just and proper.

**Count II – Violation of § 537.053, RSMo. against Defendant Houlihan’s**

COME NOW Plaintiffs [REDACTED] and [REDACTED] by and through their father and next friend William Christopher Howard, and state as follows for Count I of their Petition against Defendant Christopher W. Davis:

14. Plaintiff [REDACTED] is a minor who resides in Jackson County, Missouri, and who prosecutes this action through her father and next friend, William Christopher Howard, a resident of Jackson County, Missouri.

15. Plaintiff [REDACTED] is a minor who resides in Jackson County, Missouri, and who prosecutes this action through his father and next friend, William Christopher Howard, a resident of Jackson County, Missouri.

16. Defendant Houlihan’s Restaurants, Inc. is a corporation that is registered to do business in the State of Missouri, and at all times relevant hereto has been doing business in Jackson County, Missouri as Houlihan’s at 625 NW Murry Road, Lee’s Summit, Missouri 64084.

17. Venue and jurisdiction are proper with this Court in that Defendant Houlihan’s served intoxicating liquor to Christopher W. Davis on Defendant Houlihan’s premises in Jackson County, Missouri, the motor vehicle collision between Plaintiffs’ vehicle and Davis’ vehicle occurred in Jackson County, Missouri, and Plaintiffs sustained their damages in Jackson County, Missouri.

18. At all times relevant hereto, including on March 3, 2013, Defendant Houlihan’s was licensed to sell intoxicating liquor by the drink for consumption on its premises at 625 NW Murry Road, Lee’s Summit, Missouri 64084.

19. On March 3, 2013, Christopher Davis was a patron of Defendant’s Houlihan’s restaurant at 625 NW Murry Road, Lee’s Summit, Missouri 64084.

20. While Christopher Davis was a patron of Defendant’s restaurant on March 3, 2013, Defendant Houlihan’s served Mr. Davis intoxicating liquor from approximately 11:00 a.m. until

approximately 3:00 p.m., and Defendant Houlihan's knowingly served and continued to serve intoxicating liquor to Mr. Davis when he was visibly intoxicated, in violation of § 537.053.2, RSMo.

21. Very shortly after Christopher Davis left the abovementioned Houlihan's, he caused or contributed to cause a motor vehicle collision at approximately 3:11 p.m. on March 3, 2013.

22. The abovementioned motor vehicle collision occurred at the intersection of Northeast Chipman Road and Northeast Independence Avenue, in Lee's Summit, Jackson County, Missouri.

23. The motor vehicle collision occurred when a 2001 Chrysler Sebring, driven by Christopher Davis, rear-ended a 2000 Honda Odyssey, in which Plaintiffs [REDACTED] and [REDACTED] were passengers and that was legally and properly stopped at the intersection.

24. The abovementioned motor vehicle collision was the direct and proximate result of Christopher Davis driving his motor vehicle while intoxicated to the extent that his driving ability was impaired and Defendant Houlihan's knowingly serving intoxicating liquor to a visibly intoxicated person, Christopher Davis, in violation of § 537.053.2.

25. As a direct and proximate result of the abovementioned motor vehicle collision and Defendant Houlihan's violation of § 537.053.2 by serving intoxicating liquor to a visibly intoxicated person, Plaintiff [REDACTED] sustained injuries to her right shoulder and cervical, upper thoracic and lumbar regions.

26. As a direct and proximate result of the aforementioned injuries and the subject motor vehicle collision, Plaintiff [REDACTED] has incurred health care provider bills and endured pain and suffering, mental anguish and loss of enjoyment of life.

27. As a direct and proximate result of the abovementioned motor vehicle collision and Defendant Houlihan's violation of § 537.053.2 by serving intoxicating liquor to a visibly intoxicated person, Plaintiff [REDACTED] sustained injuries to his right knee and his cervical and

lumbar regions.

28. As a direct and proximate result of the aforementioned injuries and the subject motor vehicle collision, Plaintiff [REDACTED] has incurred health care provider bills and endured pain and suffering, mental anguish and loss of enjoyment of life.

**WHEREFORE**, Plaintiffs [REDACTED] and [REDACTED] by and through their father and next friend William Christopher Howard, pray that this Court enter judgment in their favor and against Defendant Houlihan's Restaurants, Inc., doing business as Houlihan's, for compensatory damages in an amount that is fair, reasonable and in excess of the jurisdictional minimum of this Court, plus court costs, plus post-judgment interest, and for such other and further relief as is just and proper.

/s/ Scott A. Hunter

Scott A. Hunter MO #46518

HUNTER & CASSIDY, LLC

Rivergate Business Center

600 Broadway Blvd., Suite 490

Kansas City, Missouri 64105

Telephone: (816) 421-1377

Facsimile: (816) 421-1833

E-Mail: [shunter@huntercassidylaw.com](mailto:shunter@huntercassidylaw.com)

**ATTORNEYS FOR PLAINTIFFS**



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

[REDACTED], a minor, and )  
 [REDACTED] )  
 a minor, by and through their Next Friend, )  
 WILLIAM CHRISTOPHER HOWARD, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 CHRISTOPHER W. DAVIS and )  
 HOULIHAN'S RESTAURANTS, INC., )  
 )  
 Defendants. )

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**PETITION FOR APPOINTMENT OF NEXT FRIEND**

COMES NOW Petitioner [REDACTED] by and through her undersigned counsel, and states as follows for her Petition for Appointment of Next Friend:


1. I am a Minor who is over the age of fourteen (14) years but under the age of eighteen (18) years. More specifically, I am presently fourteen (14) years old since I was born on March 20, 2003.
2. I am petitioning this Court to be appoint my father, William Christopher Howard, as my Next Friend for the purpose of prosecuting and, if appropriate, settling and resolving the above-captioned civil action arising out of a motor vehicle collision which occurred on March 3, 2013, in Jackson County, Missouri.
3. I have no legally appointed Next Friend.
4. The appointment of a Next Friend for me is necessary in order for the above-captioned civil action to be prosecuted and, if appropriate, settled and resolved.
5. I reside with William Christopher Howard and he is my father; therefore, I seek to have him appointed as my Next Friend in this matter.

WHEREFORE, Petitioner [REDACTED] prays for an Order of this Court appointing William Christopher Howard as Next Friend for [REDACTED] in this matter, and for such other and further relief as is just and proper under the circumstances.

[REDACTED]  
508 NE Spring Creek Place  
Lee's Summit, Missouri 64086

**CONSENT OF NEXT FRIEND**

I, William Christopher Howard, named in the Petition for Appointment of Next Friend, consent and am willing to serve as the Next Friend of [REDACTED] for the purposes aforesaid civil action.

  
William Christopher Howard  
508 NE Spring Creek Place  
Lee's Summit, Missouri 64086

SUBMITTED BY:

/s/ Scott A. Hunter  
Scott A. Hunter MO #46518  
HUNTER & CASSIDY, LLC  
Rivergate Business Center  
600 Broadway Blvd., Suite 490  
Kansas City, Missouri 64105  
Telephone: (816) 421-1377  
Facsimile: (816) 421-1833  
E-Mail: [shunter@huntercassidylaw.com](mailto:shunter@huntercassidylaw.com)

**ATTORNEYS FOR PLAINTIFFS**

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

\_\_\_\_\_, a minor, and  
\_\_\_\_\_,  
a minor, by and through their Next Friend,  
WILLIAM CHRISTOPHER HOWARD,

Plaintiffs,

v.

CHRISTOPHER W. DAVIS and  
HOULIHAN'S RESTAURANTS, INC.,

Defendants.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**PETITION FOR APPOINTMENT OF NEXT FRIEND**

COMES NOW Petitioner \_\_\_\_\_, by and through his undersigned counsel, and states as follows for his Petition for Appointment of Next Friend:

1. I am a Minor who is over the age of fourteen (14) years but under the age of eighteen (18) years. More specifically, I am presently sixteen (16) years old since I was born on October 24, 2001.
2. I am petitioning this Court to be appoint my father, William Christopher Howard, as my Next Friend for the purpose of prosecuting and, if appropriate, settling and resolving the above-captioned civil action arising out of a motor vehicle collision which occurred on March 3, 2013, in Jackson County, Missouri.
3. I have no legally appointed Next Friend.
4. The appointment of a Next Friend for me is necessary in order for the above-captioned civil action to be prosecuted and, if appropriate, settled and resolved.
5. I reside with William Christopher Howard and he is my father; therefore, I seek to have him appointed as my Next Friend in this matter.

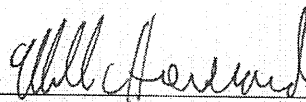


**WHEREFORE**, Petitioner [REDACTED] prays for an Order of this Court appointing William Christopher Howard as Next Friend for [REDACTED] in this matter, and for such other and further relief as is just and proper under the circumstances.

[REDACTED]  
508 NE Spring Creek Place  
Lee's Summit, Missouri 64086

**CONSENT OF NEXT FRIEND**

I, William Christopher Howard, named in the Petition for Appointment of Next Friend, consent and am willing to serve as the Next Friend of William Michael Howard for the purposes aforesaid civil action.

  
\_\_\_\_\_  
William Christopher Howard  
508 NE Spring Creek Place  
Lee's Summit, Missouri 64086

SUBMITTED BY:

/s/ Scott A. Hunter  
Scott A. Hunter MO #46518  
HUNTER & CASSIDY, LLC  
Rivergate Business Center  
600 Broadway Blvd., Suite 490  
Kansas City, Missouri 64105  
Telephone: (816) 421-1377  
Facsimile: (816) 421-1833  
E-Mail: [shunter@huntercassidylaw.com](mailto:shunter@huntercassidylaw.com)

***ATTORNEYS FOR PLAINTIFFS***

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

\_\_\_\_\_, a minor, and  
\_\_\_\_\_  
a minor, by and through their Next Friend,  
WILLIAM CHRISTOPHER HOWARD,

Plaintiffs,

v.

**CHRISTOPHER W. DAVIS** and  
**HOULIHAN'S RESTAURANTS, INC.,**  
**d/b/a Houlihan's,**

Defendants.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**ORDER APPOINTING NEXT FRIEND**

The Court, having reviewed the Petition for Appointment of Next Friend filed by \_\_\_\_\_  
\_\_\_\_\_ a minor over the age of fourteen (14) years but under the age of eighteen (18) years, does  
hereby appoint William Christopher Howard \_\_\_\_\_ natural father, as the Next Friend  
of \_\_\_\_\_ for the purpose of prosecuting and, if appropriate, settling and resolved the  
above-captioned matter.

The Court, having reviewed the Petition for Appointment of Next Friend filed by \_\_\_\_\_  
\_\_\_\_\_ a minor over the age of fourteen (14) years but under the age of eighteen (18) years,  
does hereby appoint William Christopher Howard, \_\_\_\_\_ natural father, as the  
Next Friend of \_\_\_\_\_ for the purpose of prosecuting and, if appropriate, settling  
and resolved the above-captioned matter.

**IT IS SO ORDERED.**

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JUDGE OF THE CIRCUIT COURT

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

\_\_\_\_\_, a minor, and  
\_\_\_\_\_  
a minor, by and through their Next Friend,  
WILLIAM CHRISTOPHER HOWARD,

Plaintiffs,

v.

**CHRISTOPHER W. DAVIS and  
HOULIHAN'S RESTAURANTS, INC.,**

Defendants.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**MOTION FOR APPROVAL AND APPOINTMENT OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff, by and through its attorney of record, and for its Motion for Approval/Appoint of Private Process Server, and requests that D&B Legal Services, Inc.: Legal Names (s): who are qualified persons to serve process, are not parties and are not less than eighteen (18) years of age, as private process servers in the above cause to serve process in this case.

Jamie Andrews PPS18-0073  
Bernard Beletsky PPS18-0001  
Debra Beverlin PPS18-0002  
Gary Beverlin PPS18-0003  
T. Eddie Bogue PPS18-0004  
Scott Brady PPS18-0005  
Jeffrey Brown PPS18-0006  
Hester Bryant PPS18-0074  
Jarrett Bullock PPS18-0179  
Corinna Celoso PPS18-0075  
Carrol Christian PPS18-0109  
Michael Conklin PPS18-0111  
Ryan Crandall PPS18-0008  
Jennifer Dale PPS18-0009  
Norman Diggs PPS18-0114  
Tonya Elkins PPS18-0076  
Michael Felton PPS18-0078  
Cassie Felton PPS18-0077  
William Ferrell PPS18-0010  
Rhonda Fletcher PPS18-0079  
Edward Forman PPS18-0119  
Jim Frago PPS18-0011  
Lisa Gallinger PPS18-0012  
Andrew Garza PPS18-0013  
James Hannah PPS18-0014  
Rufus Harmon PPS18-0015  
Douglas Hays PPS18-0122  
Jeff Henderson PPS18-0123  
Sharon Hendrickson PPS18-0016  
Daryl Hendrix PPS18-0124  
Natalie Hawks PPS18-0080

Wendy Hilgenberg PPS18-0081  
James Hise PPS18-0017  
Richard Hopson PPS18-0018  
Thomas Ilgenfritz PPS18-0020  
Jessica Jenkins PPS18-0021  
Betty Johnson PPS18-0022  
Darrell Johnson PPS18-0082  
Edward Johnson PPS18-0023  
James Johnson PPS18-0024  
Patrick Jones PPS18-0025  
Janet Kerr PPS18-0196  
Brent Kirkhart PPS18-0026  
Janice Kirkhart PPS18-0027  
Richard Langdon PPS18-0028  
John Logan PPS18-0029  
Daniel Maglothin PPS18-0084  
Deborah Martin PPS18-0031  
Michael Martin PPS18-0032  
Casey McKee PPS18-0085  
Austin McVay PPS18-0086  
Patricia Medley PPS18-0033  
James Myers PPS18-0089  
Andrew Myers PPS18-0087  
Stephanie Myers PPS18-0090  
Frederick Myers PPS18-0088  
Jeremy Nicholas PPS18-0146  
Michael Noble PPS18-0286  
Greg Noll PPS18-0036  
Robert O'Sullivan PPS18-0091  
Jesse Pantaleo PPS18-0037  
Carol Perry PPS18-0038

Charles Perry PPS18-0039  
Robert Peters PPS18-0150  
Dee Powell PPS18-0042  
William Powell PPS18-0043  
Kim Presler PPS18-0044  
Marcus Presler PPS18-0092  
Richard Raymond PPS18-0045  
Kim Rice PPS18-0046  
Marybeth Rice PPS18-0047  
Sammie Robinson PPS18-0096  
Lawrence Roth PPS18-0048  
Richard Roth PPS18-0049  
Edna Russell PPS18-0050  
Brenda Schiwitz PPS18-0051  
Michael Siegel PPS18-0097  
Joe Sherrod PPS18-0162  
Andrew Sitzes PPS18-0214  
Laura Skinner PPS18-0052  
Thomas Skinner PPS18-0053  
Ronald Slingerland PPS18-0054  
Randy Stone PPS18-0163  
Darren Thebeau PPS18-0056  
Eelinh Torell PPS18-0167  
Lucas Traugott PPS18-0168  
Ryan Weekley PPS18-0057  
Andrew Wheeler PPS18-0058  
Andrew Wickliffe PPS18-0059  
Norman Wiley PPS18-0060  
Debra Woodhouse PPS18-0098  
Stan Yoder PPS18-0175

**ORDER**

It is hereby ordered that the Plaintiff's Motion for Approval and Appointment of private process server is granted and the above-named individuals are hereby approved and appointed to serve process in the above-captioned matter.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Judge or Clerk

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

**WILLIAM CHRISTOPHER HOWARD,**

**PLAINTIFF(S),**

**VS.**

**CASE NO. 1816-CV05495  
DIVISION 2**

**CHRISTOPHER W. DAVIS,**

**DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

---

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **KENNETH R GARRETT III** on **25-JUN-2018** in **DIVISION 2** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.



### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ KENNETH R GARRETT III**

**KENNETH R GARRETT III, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

SCOTT A HUNTER, HUNTER & CASSIDY LLC, 600 BROADWAY, SUITE 490, KANSAS CITY, MO 64105

#### **Defendant(s):**

CHRISTOPHER W. DAVIS  
HOULIHAN'S RESTAURANTS, INC.

Dated: 06-MAR-2018

MARY A. MARQUEZ  
Court Administrator

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

\_\_\_\_ a minor, and  
\_\_\_\_  
a minor, by and through their Next Friend,  
WILLIAM CHRISTOPHER HOWARD,

Plaintiffs,

v.

**CHRISTOPHER W. DAVIS and  
HOULIHAN'S RESTAURANTS, INC.,  
d/b/a Houlihan's,**

Defendants.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**ORDER APPOINTING NEXT FRIEND**

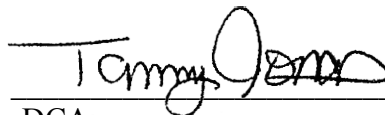
The Court, having reviewed the Petition for Appointment of Next Friend filed by \_\_\_\_\_  
\_\_\_\_\_ a minor over the age of fourteen (14) years but under the age of eighteen (18) years, does  
hereby appoint William Christopher Howard, \_\_\_\_\_ natural father, as the Next Friend  
of \_\_\_\_\_ for the purpose of prosecuting and, if appropriate, settling and resolved the  
above-captioned matter.

The Court, having reviewed the Petition for Appointment of Next Friend filed by \_\_\_\_\_  
\_\_\_\_\_ a minor over the age of fourteen (14) years but under the age of eighteen (18) years,  
does hereby appoint William Christopher Howard, \_\_\_\_\_ natural father, as the  
Next Friend of \_\_\_\_\_ for the purpose of prosecuting and, if appropriate, settling  
and resolved the above-captioned matter.

**IT IS SO ORDERED.**

06-Mar-2018

DATE

  
DCA

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

\_\_\_\_\_, a minor, and  
\_\_\_\_\_  
a minor, by and through their Next Friend,  
WILLIAM CHRISTOPHER HOWARD,

Plaintiffs,

v.

**CHRISTOPHER W. DAVIS and  
HOULIHAN'S RESTAURANTS, INC.,**

Defendants.

Case No. \_\_\_\_\_

Division \_\_\_\_\_

**MOTION FOR APPROVAL AND APPOINTMENT OF PRIVATE PROCESS SERVER**

COMES NOW Plaintiff, by and through its attorney of record, and for its Motion for Approval/Appoint of Private Process Server, and requests that D&B Legal Services, Inc.: Legal Names (s): who are qualified persons to serve process, are not parties and are not less than eighteen (18) years of age, as private process servers in the above cause to serve process in this case.

Jamie Andrews PPS18-0073  
Bernard Beletsky PPS18-0001  
Debra Beverlin PPS18-0002  
Gary Beverlin PPS18-0003  
T. Eddie Bogue PPS18-0004  
Scott Brady PPS18-0005  
Jeffrey Brown PPS18-0006  
Hester Bryant PPS18-0074  
Jarrett Bullock PPS18-0179  
Corinna Celoso PPS18-0075  
Carrol Christian PPS18-0109  
Michael Conklin PPS18-0111  
Ryan Crandall PPS18-0008  
Jennifer Dale PPS18-0009  
Norman Diggs PPS18-0114  
Tonya Elkins PPS18-0076  
Michael Felton PPS18-0078  
Cassie Felton PPS18-0077  
William Ferrell PPS18-0010  
Rhonda Fletcher PPS18-0079  
Edward Forman PPS18-0119  
Jim Frago PPS18-0011  
Lisa Gallinger PPS18-0012  
Andrew Garza PPS18-0013  
James Hannah PPS18-0014  
Rufus Harmon PPS18-0015  
Douglas Hays PPS18-0122  
Jeff Henderson PPS18-0123  
Sharon Hendrickson PPS18-0016  
Daryl Hendrix PPS18-0124  
Natalie Hawks PPS18-0080

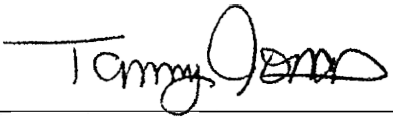
Wendy Hilgenberg PPS18-0081  
James Hise PPS18-0017  
Richard Hopson PPS18-0018  
Thomas Ilgenfritz PPS18-0020  
Jessica Jenkins PPS18-0021  
Betty Johnson PPS18-0022  
Darrell Johnson PPS18-0082  
Edward Johnson PPS18-0023  
James Johnson PPS18-0024  
Patrick Jones PPS18-0025  
Janet Kerr PPS18-0196  
Brent Kirkhart PPS18-0026  
Janice Kirkhart PPS18-0027  
Richard Langdon PPS18-0028  
John Logan PPS18-0029  
Daniel Maglothin PPS18-0084  
Deborah Martin PPS18-0031  
Michael Martin PPS18-0032  
Casey McKee PPS18-0085  
Austin McVay PPS18-0086  
Patricia Medley PPS18-0033  
James Myers PPS18-0089  
Andrew Myers PPS18-0087  
Stephanie Myers PPS18-0090  
Frederick Myers PPS18-0088  
Jeremy Nicholas PPS18-0146  
Michael Noble PPS18-0286  
Greg Noll PPS18-0036  
Robert O'Sullivan PPS18-0091  
Jesse Pantaleo PPS18-0037  
Carol Perry PPS18-0038

Charles Perry PPS18-0039  
Robert Peters PPS18-0150  
Dee Powell PPS18-0042  
William Powell PPS18-0043  
Kim Presler PPS18-0044  
Marcus Presler PPS18-0092  
Richard Raymond PPS18-0045  
Kim Rice PPS18-0046  
Marybeth Rice PPS18-0047  
Sammie Robinson PPS18-0096  
Lawrence Roth PPS18-0048  
Richard Roth PPS18-0049  
Edna Russell PPS18-0050  
Brenda Schiwitz PPS18-0051  
Michael Siegel PPS18-0097  
Joe Sherrod PPS18-0162  
Andrew Sitzes PPS18-0214  
Laura Skinner PPS18-0052  
Thomas Skinner PPS18-0053  
Ronald Slingerland PPS18-0054  
Randy Stone PPS18-0163  
Darren Thebeau PPS18-0056  
Eelinh Torell PPS18-0167  
Lucas Traugott PPS18-0168  
Ryan Weekley PPS18-0057  
Andrew Wheeler PPS18-0058  
Andrew Wickliffe PPS18-0059  
Norman Wiley PPS18-0060  
Debra Woodhouse PPS18-0098  
Stan Yoder PPS18-0175

**ORDER**

It is hereby ordered that the Plaintiff's Motion for Approval and Appointment of private process server is granted and the above-named individuals are hereby approved and appointed to serve process in the above-captioned matter.

Date: 06-Mar-2018

  
\_\_\_\_\_  
DCA



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 1816-CV05495
Plaintiff/Petitioner: WILLIAM CHRISTOPHER HOWARD	Plaintiff's/Petitioner's Attorney/Address SCOTT A HUNTER HUNTER & CASSIDY LLC 600 BROADWAY SUITE 490 KANSAS CITY, MO 64105
Defendant/Respondent: CHRISTOPHER W. DAVIS	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: CHRISTOPHER W. DAVIS

1612 NE AUBURN DR.  
LEE'S SUMMIT, MO 64086

## PRIVATE PROCESS SERVER

COURT SEAL OF



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

06-MAR-2018

Date

Further Information:

*[Signature]*  
Clerk

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)

in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_

Date

Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 1816-CV05495
Plaintiff/Petitioner: WILLIAM CHRISTOPHER HOWARD	Plaintiff's/Petitioner's Attorney/Address SCOTT A HUNTER HUNTER & CASSIDY LLC 600 BROADWAY SUITE 490 KANSAS CITY, MO 64105
Defendant/Respondent: CHRISTOPHER W. DAVIS	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	

(Date File Stamp)

## Summons in Civil Case

<p><b>The State of Missouri to: HOULIHAN'S RESTAURANTS, INC.</b> <b>DBA: HOULIHANS</b></p> <p>SRV RA: CSC LAWYERS INC SERVICE COMPANY 221 BOLIVAR STREET JEFFERSON CITY, MO 65101</p> <p><b>COURT SEAL OF</b>  <b>JACKSON COUNTY</b></p>	<p style="text-align: center;"><b>PRIVATE PROCESS SERVER</b></p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p style="text-align: center;">06-MAR-2018 Date</p> <p style="text-align: right;">  Clerk         </p> <p>Further Information:</p>
--	---

<b>Sheriff's or Server's Return</b>													
<p><b>Note to serving officer:</b> Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).</p> <p><input type="checkbox"/> other _____.</p> <p>Served at _____ (address)</p> <p>in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).</p> <p>_____ Printed Name of Sheriff or Server</p> <p>_____ Signature of Sheriff or Server</p> <p><b>Must be sworn before a notary public if not served by an authorized officer:</b></p> <p>(Seal) Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ (Date) _____ (Notary Public)</p>													
<p><b>Sheriff's Fees</b></p> <table> <tr> <td>Summons</td> <td>\$ _____</td> </tr> <tr> <td>Non Est</td> <td>\$ _____</td> </tr> <tr> <td>Sheriff's Deputy Salary</td> <td></td> </tr> <tr> <td>Supplemental Surcharge</td> <td>\$ 10.00</td> </tr> <tr> <td>Mileage</td> <td>\$ _____ (_____ miles @ \$._____ per mile)</td> </tr> <tr> <td><b>Total</b></td> <td>\$ _____</td> </tr> </table> <p>A copy of the summons and a copy of the petition must be served on <b>each</b> Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>		Summons	\$ _____	Non Est	\$ _____	Sheriff's Deputy Salary		Supplemental Surcharge	\$ 10.00	Mileage	\$ _____ (_____ miles @ \$._____ per mile)	<b>Total</b>	\$ _____
Summons	\$ _____												
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Supplemental Surcharge	\$ 10.00												
Mileage	\$ _____ (_____ miles @ \$._____ per mile)												
<b>Total</b>	\$ _____												

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

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Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County





IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

██████████ Et Al,  
Child,  
vs.  
Christopher Davis Et Al,  
Defendant.

Case Number: 1816-CV05495

### Entry of Appearance

Comes now undersigned counsel and enters his/her appearance as attorney of record for Christopher W. Davis, Defendant, in the above-styled cause.

/s/ Clayton T. Fielder  
Clayton Tyler Fielder  
Mo Bar Number: 52142  
Attorney for Defendant  
Clayton T. Fielder, Esq.  
4600 Madison Avenue, Suite 210  
Kansas City, MO 64112-3012  
Phone Number: (816) 531-7200 ext 8109  
cfielder@batyholm.com

### Certificate of Service

I hereby certify that on April 24th, 2018, a copy of the foregoing was sent through the Missouri eFiling system to the registered attorneys of record and to all others by facsimile, hand delivery, electronic mail or U.S. mail postage prepaid to their last known address.

/s/ Clayton T. Fielder  
Clayton Tyler Fielder

IN THE CIRCUIT COURT FOR JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

[REDACTED] a minor, and [REDACTED]  
[REDACTED] a minor, by and through )  
their Next Friend, WILLIAM CHRISTOPER )  
HOWARD, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
CHRISTOPHER W. DAVIS and HOULIHAN'S )  
RESTAURANTS, INC., d/b/a HOULIHAN'S )  
 )  
Defendants. )

Case No.: 1816-CV05495

**WAIVER OF SERVICE OF SUMMONS**

COMES NOW defendant Christopher W. Davis, by and through his counsel of record, and hereby acknowledges receipt of Plaintiffs' request that it waives service of summons in the above-captioned action in the Circuit Court for Jackson County, Missouri at Independence.

/s/ Clayton T. Fielder  
Clayton T. Fielder (#52142)  
BATY, HOLM, NUMRICH & OTTO P.C.  
4600 Madison Avenue, Suite 210  
Kansas City, MO 64112-3019  
Telephone: 816-531-7200  
Fax: 816-531-7201  
Email: [cfielder@batyholm.com](mailto:cfielder@batyholm.com)  
ATTORNEYS FOR DEFENDANT  
CHRISTOPHER W. DAVIS

**Certificate of Filing**

I do hereby certify that a true and accurate copy of the foregoing document was served via the Court's e-Filing system, this 24<sup>th</sup> day of April, 2018, to:

Scott A. Hunter (#46518)  
HUNTER & CASSIDY, LLC  
Rivergate Business Center  
600 Broadway Boulevard, Suite 490  
Kansas City, MO 64105  
Telephone: 816-421-1377  
Fax: 816-421-1833  
Email: [shunter@huntercassidylaw.com](mailto:shunter@huntercassidylaw.com)  
ATTORNEYS FOR PLAINTIFF

/s/ Clayton T. Fielder  
Attorney for Defendant  
Christopher W. Davis

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

██████████, a minor, and  
██████████,  
a minor, by and through their Next Friend,  
WILLIAM CHRISTOPHER HOWARD,  
  
Plaintiffs,

v.

**CHRISTOPHER W. DAVIS**

and

**HOULIHAN'S RESTAURANTS, INC.,  
d/b/a Houlihan's,**

Defendants.

Case No. 1816-CV05495

Division 2

**PETITION FOR APPROVAL OF MINOR SETTLEMENT**

COME NOW Plaintiffs ██████████ and ██████████, by and through their father and next friend William Christopher Howard<sup>1</sup> and their undersigned attorney, and Defendant Christopher W. Davis, by and through his undersigned attorney, and for their Petition and Application for Approval of Minor Settlement state and allege the following:

1. That Plaintiff ██████████, and her father and next friend William Christopher Howard, are residents of Jackson County, Missouri.
2. That Plaintiff ██████████, and his father and next friend William Christopher Howard, are residents of Jackson County, Missouri.
3. That Defendant Christopher W. Davis is a resident of Jackson County, Missouri.

<sup>1</sup> William Christopher Howard was appointed as next friend of ██████████ by the Order Appointing Next Friend, entered on March 6, 2018.

4. That [REDACTED] minors, suffered personal injuries on or about March 3, 2013 when the vehicle in which they were passengers was involved in an accident in Jackson County, Missouri.

5. Plaintiff [REDACTED] previously settled her bodily injury claims against Defendant Christopher W. Davis for Seventeen Thousand One Hundred and 00/100 Dollars (\$17,100.00).

6. Plaintiff [REDACTED] previously settled his bodily injury claims against Defendant Christopher W. Davis for Fourteen Thousand and 00/100 Dollars (\$14,000.00).

7. Plaintiffs have made a claim against Defendant Christopher W. Davis as a result of the aforesaid alleged incident and injuries, and in order to resolve the issues between Plaintiffs and Defendant Davis, Defendant Davis has agreed with Plaintiffs [REDACTED], [REDACTED], and William Christopher Howard, father and next friend of [REDACTED] and [REDACTED], subject to the approval of this Court and only upon condition of such approval, to settle Plaintiff [REDACTED]'s claims against Defendant Davis for the total sum of Seventeen Thousand One Hundred and 00/100 Dollars (\$17,100.00) and Plaintiff [REDACTED] claims against Defendant Davis for the total sum of Fourteen Thousand and 00/100 Dollars (\$14,000.00) in full settlement, compromise, discharge and satisfaction of any and all claims, demands, and causes of action against Defendant Davis, which said Plaintiffs may have by reason of all bodily injuries, known or unknown, costs, loss, expenses and damages and the costs of this action.

8. Taking into consideration the nature of said minors' injuries, the nature of the disputed liability in this matter, the parties believe that it would be in the best interest and to the

advantage of said minors to accept this offer of compromise and settlement and are desirous of accepting it, subject to the approval of this Court.

9. All valid medical liens (whether or not identified herein) will be satisfied by Plaintiffs or their next friend from the settlement proceeds and Plaintiffs agrees to defend, indemnify and hold harmless Defendant Christopher W. Davis for any claims made against Defendant Davis for any such unsatisfied, valid medical liens, including, but not limited to, Medicaid liens. Each party will bear their own costs.

10. That William Christopher Howard, Next Friend of [REDACTED], and Defendant Christopher W. Davis request, subject to the approval of this court, that the proceeds of the settlement for Plaintiff [REDACTED] shall be allocated and paid as follows:

- a. Hunter & Cassidy, LLC, for Scott Hunter's attorney's fee, in the amount of Five Thousand Four Hundred Forty-Seven Dollars and 68/100 (\$5,287.68) for [REDACTED]
- b. Truman Medical Center (TMC), for its medical lien, in the amount of One Thousand Fifty-One Dollars and 00/100 (\$1,211.00) for [REDACTED]<sup>2</sup>
- c. David Adam Boender, DC and Catalyst Health Center, for the chiropractic lien, in the amount of Seven Thousand Three Hundred Twenty-Four and 50/100 Dollars (\$7,324.50) for [REDACTED]; and
- d. William Christopher Howard, as Next Friend, for the exclusive benefit of the minor child, [REDACTED], in the amount of Three Thousand Two

---

<sup>2</sup> Truman Medical Center's lien has been paid previously by a check directly from Defendant Davis's insurance carrier to Truman Medical Center.

Hundred Seventy-Six and 82/100 Dollars (\$3,276.82) This amount will be deposited into a restricted account at Country Club Bank, n.a. by William Christopher Howard on behalf of and for the benefit of [REDACTED], the minor child.

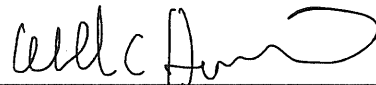
11. That William Christopher Howard, Next Friend of [REDACTED] and Defendant Christopher W. Davis request, subject to the approval of this court, that the proceeds of the settlement for Plaintiff [REDACTED] shall be allocated and paid as follows:

- a. Hunter & Cassidy, LLC, for Scott Hunter's attorney's fee, in the amount of Four Thousand Three Hundred Sixty-Six and 66/100 (\$4,366.66) for [REDACTED];
- b. David Adam Boender, DC and Catalyst Health Center, for the chiropractic lien, in the amount of Five Thousand Three Hundred Eighty-Six and 50/100 Dollars (\$5,386.50) for [REDACTED]; and
- c. William Christopher Howard, as Next Friend, for the exclusive benefit of the minor child, [REDACTED] in the amount of Four Thousand Two Hundred Forty-Six and 84/100 Dollars (\$4,246.84). This amount will be deposited into a restricted account at Country Club Bank, n.a. by William Christopher Howard on behalf of and for the benefit of [REDACTED], the minor child.

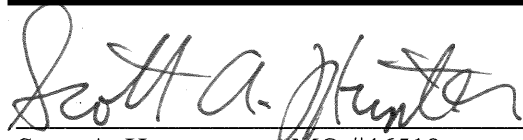
12. That William Christopher Howard, Next Friend, requests leave to waive a jury against Defendant Christopher W. Davis herein and submits all of the issues of this proposed settlement contract with Defendant Davis to the Court for determination.

Plaintiffs might receive a verdict against Defendant Davis for a sum greater than, equal to or less than the settlements accepted.

WHEREFORE, Plaintiffs [REDACTED] and [REDACTED] by and through their father and next friend William Christopher Howard, and Defendant Christopher W. Davis seek an Order and Judgment of this Court approving this settlement agreement set forth herein and ordering Plaintiffs, through their next friend, to sign all releases and other settlement documents, allowing Plaintiffs, through their next friend, to collect and receive payment of the aforesaid settlement amount and judgment; ordering Plaintiffs, through their next friend, to acknowledge satisfaction of the aforesaid settlement and judgment against Defendant Davis; and allowing Plaintiffs, through their next friend, to receive the net proceeds as ordered by the Court and for such further orders and decrees as the Court may deem proper.



William Christopher Howard  
508 NE Spring Creek Place  
Lee's Summit, Missouri 64086  
**FATHER AND NEXT FRIEND OF  
PLAINTIFFS** [REDACTED]  
[REDACTED]



Scott A. Hunter MO #46518  
HUNTER & CASSIDY, LLC  
Rivergate Business Center  
600 Broadway Blvd., Suite 490  
Kansas City, Missouri 64105  
Telephone: (816) 421-1377  
Facsimile: (816) 421-1833  
E-Mail: [shunter@huntercassidylaw.com](mailto:shunter@huntercassidylaw.com)  
**ATTORNEYS FOR PLAINTIFFS**



/s/ Clayton T. Fielder

Clayton T. Fielder MO #52142  
BATY, HOLM, NUMRICH & OTTO, P.C.  
4600 Madison Avenue, Suite 210  
Kansas City, Missouri 64112  
Telephone: 816-531-7200  
Fax: 816-531-7201  
Email: [cfielder@batyholm.com](mailto:cfielder@batyholm.com)

***ATTORNEY FOR DEFENDANT***

***CHRISTOPHER W. DAVIS***

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

[REDACTED] a minor, and	)	
[REDACTED]	)	
a minor, by and through their Next Friend,	)	
WILLIAM CHRISTOPHER HOWARD,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1816-CV05495
	)	
<b>CHRISTOPHER W. DAVIS</b>	)	Division 2
	)	
and	)	
	)	
<b>HOULIHAN'S RESTAURANTS, INC.,</b>	)	
<b>d/b/a Houlihan's,</b>	)	
	)	
Defendants.	)	

**ORDER AND JUDGMENT APPROVING SETTLEMENT WITH DEFENDANT  
CHRISTOPHER W. DAVIS**

NOW on this \_\_\_\_ day of \_\_\_\_\_, 2018, the above-captioned cause comes to be heard on an application for approval of settlement of the claims of [REDACTED] and [REDACTED] by and through their father Next Friend, William Christopher Howard, who appears in person and by counsel. Defendant Christopher W. Davis appears by counsel. Trial by jury against Defendant Davis is expressly waived in open court and this cause against Defendant Davis is submitted to the Court upon the pleadings and evidence adduced.

WHEREUPON, the Court, being fully advised in the premises, makes the following findings:

1. [REDACTED] is a minor born in 2003. William Christopher Howard is her father and duly appointed, qualified and acting Next Friend.

2. [REDACTED] is a minor born in 2001. William Christopher Howard is his father and duly appointed, qualified and acting Next Friend.

3. On or about March 3, 2013, [REDACTED] were injured in a motor vehicle accident while a passengers in a vehicle operated by William Christopher Howard.

4. Releases and Settlement Agreements have been reached by and between the Plaintiffs and Defendant Christopher W. Davis for the injuries and medical expenses incurred by Plaintiff [REDACTED] in the amount of Seventeen Thousand One Hundred and 00/100 Dollars (\$17,100.00) and Plaintiff [REDACTED] in the amount of Fourteen Thousand and 00/100 Dollars (\$14,000.00).

5. The Court finds the proposed settlement agreement is reasonable, is in the best interest of the minors, [REDACTED] and should be approved.

6. Plaintiff is responsible for payment and satisfaction of any liens.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. William Christopher Howard, father and Next Friend of [REDACTED] [REDACTED] minors, is granted leave of Court to waive the right to trial by jury against Defendant Christopher W. Davis so the proposed settlement agreement described herein can be submitted to the Court for approval.

2. The Court finds and decrees the terms of the settlement agreement between Plaintiffs and Defendant Davis are fair, just and reasonable and in the best interest of the minors, [REDACTED] and the Court hereby approves this settlement agreement.

3. The proceeds of the settlement for [REDACTED] shall be allocated as follows:
  - a. Hunter & Cassidy, LLC, for Scott Hunter's attorney's fee, in the amount of Five Thousand Four Hundred Forty-Seven Dollars and 68/100 (\$5,287.68) for [REDACTED]
  - b. Truman Medical Center (TMC), for its medical lien, in the amount of One Thousand Fifty-One Dollars and 00/100 (\$1,211.00) for [REDACTED]<sup>1</sup>
  - c. David Adam Boender, DC and Catalyst Health Center, for the chiropractic lien, in the amount of Seven Thousand Three Hundred Twenty-Four and 50/100 Dollars (\$7,324.50) for [REDACTED] and
  - d. William Christopher Howard, as Next Friend, for the exclusive benefit of the minor child, [REDACTED] in the amount of Three Thousand Two Hundred Seventy-Six and 82/100 Dollars (\$3,276.82) This amount will be deposited into a restricted account at Country Club Bank, n.a. by William Christopher Howard on behalf of and for the benefit of [REDACTED] the minor child.
4. The proceeds of the settlement for [REDACTED] shall be allocated as follows:

---

<sup>1</sup> Truman Medical Center's lien has been previously paid by a check from Defendant Davis's insurance carrier directly to Truman Medical Center.

- a. Hunter & Cassidy, LLC, for Scott Hunter's attorney's fee, in the amount of Four Thousand Three Hundred Sixty-Six and 66/100 (\$4,366.66) for [REDACTED]
- b. David Adam Boender, DC and Catalyst Health Center, for the chiropractic lien, in the amount of Five Thousand Three Hundred Eighty-Six and 50/100 Dollars (\$5,386.50) for [REDACTED] and
- c. William Christopher Howard, as Next Friend, for the exclusive benefit of the minor child, [REDACTED] in the amount of Four Thousand Two Hundred Forty-Six and 84/100 Dollars (\$4,246.84). This amount will be deposited into a restricted account at Country Club Bank, n.a. by William Christopher Howard on behalf of and for the benefit of [REDACTED] the minor child.

5. Plaintiffs [REDACTED] by and through their duly appointed next friend, William Christopher Howard, shall execute and file all releases, waivers, stipulations, receipts and accounting necessary to release Defendant Christopher W. Davis and to dispose fully and finally of this cause against Defendant Davis and all claims associated therewith to Defendant Christopher W. Davis.

6. Plaintiffs [REDACTED] by and through their duly appointed next friend, William Christopher Howard, are responsible for satisfying any medical liens or requests for payment that arise out of this incident.

7. This settlement agreement settles all claims against Defendant Christopher W. Davis. Plaintiffs' claims alleged against Defendant Houlihan's Restaurants, Inc., d/b/a Houlihan's, remain pending.

8. Any and all claims against Defendant Christopher W. Davis and his past, present, and future attorneys, agents, principals, servants, representatives, employees, heirs, executors, administrators, predecessors and successors in interest, partners, privies, assigns, insured and insurers related to the injuries sustained by Plaintiffs [REDACTED] [REDACTED] are hereby finally discharged and Defendant Christopher W. Davis and his past, present, and future attorneys, agents, principals, servants, representatives, employees, heirs, executors, administrators, predecessors and successors in interest, partners, privies, assigns, insured and insurers are hereby forever released.

9. William Christopher Howard, Next Friend, shall file with this Court a Satisfaction of Judgment and a Stipulation of Dismissal with Prejudice of Defendant Christopher W. Davis.

10. Plaintiffs and Defendant Christopher W. Davis to bear their own costs.

IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
KENNETH R. GARRETT III, CIRCUIT JUDGE

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

[REDACTED] a minor, and  
[REDACTED]  
a minor, by and through their Next Friend,  
WILLIAM CHRISTOPHER HOWARD,

Plaintiffs,

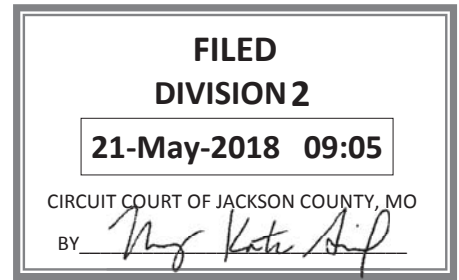
v.

CHRISTOPHER W. DAVIS

and

HOULIHAN'S RESTAURANTS, INC.,  
d/b/a Houlihan's,

Defendants.



Case No. 1816-CV05495

Division 2

**ORDER AND JUDGMENT APPROVING SETTLEMENT WITH DEFENDANT**  
**CHRISTOPHER W. DAVIS**

NOW on this 21st day of May, 2018, the above-captioned cause comes to be heard on an application for approval of settlement of the claims of [REDACTED] [REDACTED] by and through their father Next Friend, William Christopher Howard, who appears in person and by counsel. Defendant Christopher W. Davis appears by counsel. Trial by jury against Defendant Davis is expressly waived in open court and this cause against Defendant Davis is submitted to the Court upon the pleadings and evidence adduced.

WHEREUPON, the Court, being fully advised in the premises, makes the following findings:

1. [REDACTED] is a minor born in 2003. William Christopher Howard is her father and duly appointed, qualified and acting Next Friend.

2. [REDACTED] is a minor born in 2001. William Christopher Howard is his father and duly appointed, qualified and acting Next Friend.

3. On or about March 3, 2013, [REDACTED] were injured in a motor vehicle accident while a passengers in a vehicle operated by William Christopher Howard.

4. Releases and Settlement Agreements have been reached by and between the Plaintiffs and Defendant Christopher W. Davis for the injuries and medical expenses incurred by Plaintiff [REDACTED] in the amount of Seventeen Thousand One Hundred and 00/100 Dollars (\$17,100.00) and Plaintiff [REDACTED] in the amount of Fourteen Thousand and 00/100 Dollars (\$14,000.00).

5. The Court finds the proposed settlement agreement is reasonable, is in the best interest of the minors, [REDACTED] and should be approved.

6. Plaintiff is responsible for payment and satisfaction of any liens.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. William Christopher Howard, father and Next Friend of [REDACTED] [REDACTED] minors, is granted leave of Court to waive the right to trial by jury against Defendant Christopher W. Davis so the proposed settlement agreement described herein can be submitted to the Court for approval.

2. The Court finds and decrees the terms of the settlement agreement between Plaintiffs and Defendant Davis are fair, just and reasonable and in the best interest of the minors, [REDACTED] and the Court hereby approves this settlement agreement.



3. The proceeds of the settlement for [REDACTED] shall be allocated as follows:
  - a. Hunter & Cassidy, LLC, for Scott Hunter's attorney's fee, in the amount of Five Thousand Four Hundred Forty-Seven Dollars and 68/100 (\$5,287.68) for [REDACTED]
  - b. Truman Medical Center (TMC), for its medical lien, in the amount of One Thousand Fifty-One Dollars and 00/100 (\$1,211.00) for [REDACTED]<sup>1</sup>
  - c. David Adam Boender, DC and Catalyst Health Center, for the chiropractic lien, in the amount of Seven Thousand Three Hundred Twenty-Four and 50/100 Dollars (\$7,324.50) for [REDACTED] and
  - d. William Christopher Howard, as Next Friend, for the exclusive benefit of the minor child, [REDACTED] in the amount of Three Thousand Two Hundred Seventy-Six and 82/100 Dollars (\$3,276.82) This amount will be deposited into a restricted account at Country Club Bank, n.a. by William Christopher Howard on behalf of and for the benefit of I [REDACTED] the minor child.
4. The proceeds of the settlement for [REDACTED] shall be allocated as follows:

---

<sup>1</sup> Truman Medical Center's lien has been previously paid by a check from Defendant Davis's insurance carrier directly to Truman Medical Center.

- a. Hunter & Cassidy, LLC, for Scott Hunter's attorney's fee, in the amount of Four Thousand Three Hundred Sixty-Six and 66/100 (\$4,366.66) for [REDACTED]
- b. David Adam Boender, DC and Catalyst Health Center, for the chiropractic lien, in the amount of Five Thousand Three Hundred Eighty-Six and 50/100 Dollars (\$5,386.50) for [REDACTED] and
- c. William Christopher Howard, as Next Friend, for the exclusive benefit of the minor child, [REDACTED] in the amount of Four Thousand Two Hundred Forty-Six and 84/100 Dollars (\$4,246.84). This amount will be deposited into a restricted account at Country Club Bank, n.a. by William Christopher Howard on behalf of and for the benefit of [REDACTED] the minor child.

5. Plaintiffs [REDACTED] by and through their duly appointed next friend, William Christopher Howard, shall execute and file all releases, waivers, stipulations, receipts and accounting necessary to release Defendant Christopher W. Davis and to dispose fully and finally of this cause against Defendant Davis and all claims associated therewith to Defendant Christopher W. Davis.

6. Plaintiffs [REDACTED] by and through their duly appointed next friend, William Christopher Howard, are responsible for satisfying any medical liens or requests for payment that arise out of this incident.

7. This settlement agreement settles all claims against Defendant Christopher W. Davis. Plaintiffs' claims alleged against Defendant Houlihan's Restaurants, Inc., d/b/a Houlihan's, remain pending.

8. Any and all claims against Defendant Christopher W. Davis and his past, present, and future attorneys, agents, principals, servants, representatives, employees, heirs, executors, administrators, predecessors and successors in interest, partners, privies, assigns, insured and insurers related to the injuries sustained by Plaintiffs [REDACTED] [REDACTED] are hereby finally discharged and Defendant Christopher W. Davis and his past, present, and future attorneys, agents, principals, servants, representatives, employees, heirs, executors, administrators, predecessors and successors in interest, partners, privies, assigns, insured and insurers are hereby forever released.

9. William Christopher Howard, Next Friend, shall file with this Court a Satisfaction of Judgment and a Stipulation of Dismissal with Prejudice of Defendant Christopher W. Davis.

10. Plaintiffs and Defendant Christopher W. Davis to bear their own costs.

IT IS SO ORDERED.

Date: May 21, 2018

  
KENNETH R. GARRETT III, CIRCUIT JUDGE

I certify a copy of the above was sent this day to all parties of record via the e-Filing system:

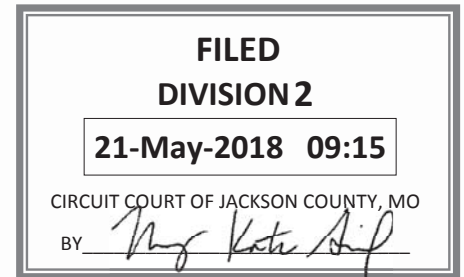


Mary Kate Bird, Law Clerk, The Honorable Kenneth R. Garrett, III, Division 2

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE

[REDACTED] a minor, and )  
[REDACTED], a minor, )  
by and through their Next Friend, )  
WILLIAM CHRISTOPHER HOWARD, )  
Plaintiffs, )  
v. )  
CHRISTOPHER W. DAVIS, and )  
HOULIHAN'S RESTAURANTS, INC., )  
d/b/a Houlihan's, )  
Defendants. )

Case No. 1816-CV05495



SATISFACTION OF JUDGMENT AGAINST DEFENDANT CHRISTOPHER W. DAVIS

COME NOW Plaintiffs, by and through counsel, and hereby acknowledges receipt of the sum of Thirty-One Thousand One Hundred Dollars and 00/100 (\$31,100.00) in full, complete and final satisfaction of the judgment entered in their favor against Defendant Christopher W. Davis on May 21, 2018.

A handwritten signature in black ink, appearing to read "Scott A. Hunter".

Scott A. Hunter MO #46518  
HUNTER & CASSIDY, LLC  
Rivergate Business Center  
600 Broadway Boulevard, Suite 490  
Kansas City, Missouri 64105  
Telephone: 816-421-1377  
Fax: 816-421-1833  
Email: [shunter@huntercassidylaw.com](mailto:shunter@huntercassidylaw.com)

ATTORNEYS FOR PLAINTIFFS

Certificate of Filing

I do hereby certify that a true and accurate copy of the foregoing document was served via the Court's e-Filing System, this 21<sup>st</sup> day of May, 2018, to:

Clayton T. Fielder                      MO #52142  
BATY, HOLM, NUMRICH & OTTO, P.C.  
4600 Madison Avenue, Suite 210  
Kansas City, MO 64112  
Telephone:    816-531-7200  
Fax:            816-531-7201  
Email:           cfielder@batyholm.com  
ATTORNEY FOR DEFENDANT

/s/   
ATTORNEY FOR PLAINTIFFS

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

[REDACTED] a minor, and  
 [REDACTED]  
 a minor, by and through their Next Friend,  
 WILLIAM CHRISTOPHER HOWARD,  
 508 NE Spring Creek Place  
 Lee's Summit, Missouri 64086,

Plaintiffs,

V.

Case No. 1816-CV05495

## Division 2

**HOULIHAN'S RESTAURANTS, INC.,**  
**d/b/a Houlihan's**  
*Service by Private Process Server to Registered Agent:*  
 CSC-Lawyers Incorporating Service Company  
 221 Bolivar Street  
 Jefferson City, Missouri 65101,

Defendants.

## **FIRST AMENDED PETITION FOR DAMAGES**

COME NOW Plaintiffs [REDACTED] by and through their father and next friend William Christopher Howard and their undersigned counsel, and state and allege as follows for their First Amended Petition for Damages against Defendant Houlihan's Restaurants, Inc.:<sup>1</sup>

1. Plaintiff [REDACTED] is a minor who resides in Jackson County, Missouri, and who prosecutes this action through her father and next friend, William Christopher Howard, a resident of Jackson County, Missouri.

2. Plaintiff [REDACTED] is a minor who resides in Jackson County,

<sup>1</sup> Per the Court's ruling at the hearing on May 21, 2018, former defendant Christopher W. Davis has been dismissed with prejudice and Plaintiffs file this amended petition solely against Defendant Houlihan's Restaurants, Inc., d/b/a Houlihan's.

Missouri, and who prosecutes this action through his father and next friend, William Christopher Howard, a resident of Jackson County, Missouri.

3. Defendant Houlihan's Restaurants, Inc. is a corporation that is registered to do business in the State of Missouri, and at all times relevant hereto has been doing business in Jackson County, Missouri as Houlihan's at 625 NW Murry Road, Lee's Summit, Missouri 64084.

4. Venue and jurisdiction are proper with this Court in that Defendant Houlihan's served intoxicating liquor to Christopher W. Davis on Defendant Houlihan's premises in Jackson County, Missouri, the motor vehicle collision between Plaintiffs' vehicle and Davis' vehicle occurred in Jackson County, Missouri, and Plaintiffs sustained their damages in Jackson County, Missouri.

5. At all times relevant hereto, including on March 3, 2013, Defendant Houlihan's was licensed to sell intoxicating liquor by the drink for consumption on its premises at 625 NW Murry Road, Lee's Summit, Missouri 64084.

6. On March 3, 2013, Christopher Davis was a patron of Defendant's Houlihan's restaurant at 625 NW Murry Road, Lee's Summit, Missouri 64084.

7. While Christopher Davis was a patron of Defendant's restaurant on March 3, 2013, Defendant Houlihan's served Mr. Davis intoxicating liquor from approximately 11:00 a.m. until approximately 3:00 p.m., and Defendant Houlihan's knowingly served and continued to serve intoxicating liquor to Mr. Davis when he was visibly intoxicated, in violation of § 537.053.2, RSMo.

8. Very shortly after Christopher Davis left the abovementioned Houlihan's, he caused or contributed to cause a motor vehicle collision at approximately 3:11 p.m. on March 3, 2013.

9. The abovementioned motor vehicle collision occurred at the intersection of Northeast Chipman Road and Northeast Independence Avenue, in Lee's Summit, Jackson County, Missouri.

10. The motor vehicle collision occurred when a 2001 Chrysler Sebring, driven by Christopher Davis, rear-ended a 2000 Honda Odyssey, in which Plaintiffs [REDACTED] and

██████████ were passengers and that was legally and properly stopped at the intersection.

11. The abovementioned motor vehicle collision was the direct and proximate result of Christopher Davis driving his motor vehicle while intoxicated to the extent that his driving ability was impaired and Defendant Houlihan's knowingly serving intoxicating liquor to a visibly intoxicated person, Christopher Davis, in violation of § 537.053.2.

12. As a direct and proximate result of the abovementioned motor vehicle collision and Defendant Houlihan's violation of § 537.053.2 by serving intoxicating liquor to a visibly intoxicated person, Plaintiff ██████████ sustained injuries to her right shoulder and cervical, upper thoracic and lumbar regions.

13. As a direct and proximate result of the aforementioned injuries and the subject motor vehicle collision, Plaintiff ██████████ has incurred health care provider bills and endured pain and suffering, mental anguish and loss of enjoyment of life.

14. As a direct and proximate result of the abovementioned motor vehicle collision and Defendant Houlihan's violation of § 537.053.2 by serving intoxicating liquor to a visibly intoxicated person, Plaintiff ██████████ sustained injuries to his right knee and his cervical and lumbar regions.

15. As a direct and proximate result of the aforementioned injuries and the subject motor vehicle collision, Plaintiff ██████████ has incurred health care provider bills and endured pain and suffering, mental anguish and loss of enjoyment of life.

16. Plaintiffs ██████████ have previously settled and released all of their claims against Christopher Davis arising out of the subject March 3, 2013 motor vehicle collision; pursuant to § 537.060, RSMo., said settlement agreement and release of Mr. Davis does not release or discharge Plaintiffs' claims against Defendant Houlihan's.



**WHEREFORE**, Plaintiffs [REDACTED] by and through their father and next friend William Christopher Howard, pray that this Court enter judgment in their favor and against Defendant Houlihan's Restaurants, Inc., doing business as Houlihan's, for compensatory damages in an amount that is fair, reasonable and in excess of the jurisdictional minimum of this Court, plus court costs, plus post-judgment interest, and for such other and further relief as is just and proper.

*/s/ Scott A. Hunter*

\_\_\_\_\_  
Scott A. Hunter MO #46518

HUNTER & CASSIDY, LLC

Rivergate Business Center

600 Broadway Blvd., Suite 490

Kansas City, Missouri 64105

Telephone: (816) 421-1377

Facsimile: (816) 421-1833

E-Mail: [shunter@huntercassidylaw.com](mailto:shunter@huntercassidylaw.com)

**ATTORNEYS FOR PLAINTIFFS**

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

<b>[REDACTED] a minor, and</b>	)	
<b>[REDACTED] a minor,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1816-CV05495</b>
	)	
	)	<b>Division 2</b>
<b>HOULIHAN'S RESTAURANTS, INC.,</b>	)	
<b>d/b/a Houlihan's</b>	)	
	)	
<b>Defendants.</b>	)	

**REQUEST FOR ALIAS SUMMONS**

I hereby request that an alias summons be issued by the circuit clerk in this case,  
because the first summons was not served on defendant(s).

I am requesting an alias summons be issued for the following defendant(s):

- |     |                              |  |
|-----|------------------------------|--|
| (1) | Houlihan's Restaurants, Inc. | (insert name)                                |
| (2) |                              | (insert name of second<br>Defendant, if any) |
| (3) |                              | (insert name of third<br>Defendant, if any)  |
| (4) |                              | (insert name of fourth<br>Defendant, if any) |

**Date 06/20/2018**


/s/ Scott A. Hunter  
**(Signature of person requesting alias summons)**



# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 1816-CV05495
Plaintiff/Petitioner: WILLIAM CHRISTOPHER HOWARD	Plaintiff's/Petitioner's Attorney/Address SCOTT A HUNTER HUNTER & CASSIDY LLC 600 BROADWAY SUITE 490 KANSAS CITY, MO 64105
Defendant/Respondent: CHRISTOPHER W. DAVIS	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

<p><b>The State of Missouri to:</b> HOULIHAN'S RESTAURANTS, INC. DBA: HOULIHANS</p> <p>SRV RA: CSC LAWYERS INC SERVICE COMPANY 221 BOLIVAR STREET JEFFERSON CITY, MO 65101</p> <p><b>COURT SEAL OF</b>  <b>JACKSON COUNTY</b></p>	<p><b>PRIVATE PROCESS SERVER</b></p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>21-JUN-2018 Date</p> <p>Further Information:</p> <p> Clerk</p>
---	--

### Sheriff's or Server's Return

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal)

Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public

### Sheriff's Fees

Summons \$ \_\_\_\_\_

Non Est \$ \_\_\_\_\_

Sheriff's Deputy Salary \$ \_\_\_\_\_

Supplemental Surcharge \$ 10.00

Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$. \_\_\_\_\_ per mile)

**Total** \$ \_\_\_\_\_

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**AFFIDAVIT OF SERVICE**

State of Missouri

County of Jackson

Circuit Court

Case Number: 1816-CV05495

Plaintiff:

██████████ A MINOR, AN ██████████, A MINOR, BY  
AND THROUGH THEIR NEXT FRIEND WILLIAM CHRISTOPHER HOWARD  
vs.

Defendant:

HOULIHAN'S RESTAURANTS INC D/B/A HOULIHANS

For: HUNTER &amp; CASSIDY, LLC



POW2018007116

Received by D & B Legal Services, Inc. on the 22nd day of June, 2018 at 4:01 pm to be served on HOULIHAN'S RESTAURANTS INC DBA: HOULIHANS, SRV RA: CSC LAWYERS INC SERVICE COMPANY, 221 BOLIVAR STREET, JEFFERSON CITY, MO 65101. I, Rufus R. Harmon, being duly sworn, depose and say that on the 25<sup>th</sup> day of June, 2018 at 10:30 a.m., executed service by delivering a true copy of the Summons in Civil Case and First Amended Petition for Damages in accordance with state statutes in the manner marked below:

☒ CORPORATE SERVICE: By serving Shelley Lewis as  
Agent of CSC in Jefferson City, Mo.

( ) CORPORATE SERVICE AT ALTERNATE ADDRESS: By serving \_\_\_\_\_ as  
\_\_\_\_\_ at the alternate address of \_\_\_\_\_

( ) PUBLIC AGENCY: By serving \_\_\_\_\_ as \_\_\_\_\_ of the within-named agency.

( ) NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 25 day of  
June, 2018 by the affiant who is personally  
known to me.

Donna R. Meyr  
NOTARY PUBLIC

Rufus R. Harmon

PROCESS SERVER # \_\_\_\_\_  
Appointed in accordance with State Statutes

D & B Legal Services, Inc.  
P.O. Box 7471  
Overland Park, KS 66207  
(913) 362-8110

Our Job Serial Number: 2018007116

DONNA R. MEYR  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Commissioned for Cole County  
Commission No. 13435325  
My Commission Expires 3/3/2021

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# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 1816-CV05495
Plaintiff/Petitioner: WILLIAM CHRISTOPHER HOWARD	Plaintiff's/Petitioner's Attorney/Address SCOTT A HUNTER HUNTER & CASSIDY LLC 600 BROADWAY SUITE 490 KANSAS CITY, MO 64105
Defendant/Respondent: CHRISTOPHER W. DAVIS	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

## Summons in Civil Case

The State of Missouri to: HOULIHAN'S RESTAURANTS, INC. DBA: HOULIHANS SRV RA: CSC LAWYERS INC SERVICE COMPANY 221 BOLIVAR STREET JEFFERSON CITY, MO 65101  JACKSON COUNTY	<b>PRIVATE PROCESS SERVER</b> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>21-JUN-2018 Date</p> <p>Further Information:</p> <p><i>[Signature]</i> Clerk</p>
<b>Sheriff's or Server's Return</b> <p>Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.</p> <p><input checked="" type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to <u>Shelley Lewis</u> (name) <u>Authorized Agent</u> (title).</p> <p><input type="checkbox"/> other _____ (address)</p> <p>Served at <u>221 Bolivar St. Jefferson City, Mo</u> (address)</p> <p>in <u>Colt</u> (County/City of St. Louis), MO, on <u>6-25-18</u> (date) at <u>10:35 A.M.</u> (time).</p> <p><u>Ruth R. Harmon</u> (Printed Name of Sheriff or Server)</p> <p><u>Angus R. Harmon</u> (Signature of Sheriff or Server)</p>	
<p><b>DONNA R. MEYER</b>          Notary Public - Notary Seal          STATE OF MISSOURI          Commissioned for Cole County          Commission No. 13435325          My Commission Expires 3/2/2021</p> <p><b>Must be sworn before a notary public if not served by an authorized officer:</b></p> <p>Subscribed and sworn to before me on <u>06-25-2018</u> (date).</p> <p>My commission expires: <u>03-03-2021</u> (Date)</p> <p><u>Donna R. Meyer</u> (Signature)          Notary Public</p>	
<p><b>Sheriff's Fees</b></p> <p>Summons \$ _____</p> <p>Non Est \$ _____</p> <p>Sheriff's Deputy Salary \$ <u>10.00</u></p> <p>Supplemental Surcharge \$ _____ ( _____ miles @ \$ _____ per mile)</p> <p>Mileage \$ _____</p> <p>Total \$ _____</p> <p>A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>	

**AFFIDAVIT OF SERVICE**

State of Missouri

County of Jackson

Circuit Court

Case Number: 1816-CV05495



POW2018007116

Plaintiff:

██████████ A MINOR, AN ██████████, A MINOR, BY  
AND THROUGH THEIR NEXT FRIEND WILLIAM CHRISTOPHER HOWARD  
vs.

Defendant:

HOULIHAN'S RESTAURANTS INC D/B/A HOULIHANS

For: HUNTER & CASSIDY, LLC

Received by D & B Legal Services, Inc. on the 22nd day of June, 2018 at 4:01 pm to be served on HOULIHAN'S RESTAURANTS INC DBA: HOULIHANS, SRV RA: CSC LAWYERS INC SERVICE COMPANY, 221 BOLIVAR STREET, JEFFERSON CITY, MO 65101. I, Rufus R. Harmon, being duly sworn, depose and say that on the 23rd day of June, 2018 at 10:30 a.m., executed service by delivering a true copy of the Summons in Civil Case and First Amended Petition for Damages in accordance with state statutes in the manner marked below:

☒ CORPORATE SERVICE: By serving Shelley Lewis as  
Agent of CSC in Jefferson City, Mo.

( ) CORPORATE SERVICE AT ALTERNATE ADDRESS: By serving \_\_\_\_\_ as  
\_\_\_\_\_ at the alternate address of \_\_\_\_\_

( ) PUBLIC AGENCY: By serving \_\_\_\_\_ as \_\_\_\_\_ of the within-named agency.

( ) NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 25 day of  
June, 2018 by the affiant who is personally  
known to me.

Donna R. Meyr  
NOTARY PUBLIC

Rufus R. Harmon

PROCESS SERVER # \_\_\_\_\_  
Appointed in accordance with State Statutes

D & B Legal Services, Inc.  
P.O. Box 7471  
Overland Park, KS 66207  
(913) 362-8110

Our Job Serial Number: 2018007116

DONNA R. MEYR  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Commissioned for Cole County  
Commission No. 13435325  
My Commission Expires 3/3/2021

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# IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: <b>KENNETH R GARRETT III</b>	Case Number: <b>1816-CV05495</b>
Plaintiff/Petitioner: <b>WILLIAM CHRISTOPHER HOWARD</b>	Plaintiff's/Petitioner's Attorney/Address <b>SCOTT A HUNTER HUNTER &amp; CASSIDY LLC 600 BROADWAY SUITE 490 KANSAS CITY, MO 64105</b>
Defendant/Respondent: <b>CHRISTOPHER W. DAVIS</b>	Court Address: <b>308 W Kansas INDEPENDENCE, MO 64050</b>
Nature of Suit: <b>CC Pers Injury-Other</b>	(Date File Stamp)

## Summons in Civil Case

<p>The State of Missouri to: <b>HOULIHAN'S RESTAURANTS, INC.</b> DBA: <b>HOULIHANS</b></p> <p>SRV RA: <b>CSC LAWYERS INC SERVICE COMPANY 221 BOLIVAR STREET JEFFERSON CITY, MO 65101</b></p> <p><b>COURT SEAL OF</b>  <b>JACKSON COUNTY</b></p>	<p><b>PRIVATE PROCESS SERVER</b></p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p><u>21-JUN-2018</u> Date</p> <p><u>[Signature]</u> Clerk</p> <p>Further Information:</p>
<p><b>Sheriff's or Server's Return</b></p> <p>Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.</p> <p><input checked="" type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to <u>Shelley Lewis</u> (name) <u>Authorized Agent</u> (title).</p> <p><input type="checkbox"/> other _____ (address)</p> <p>Served at <u>221 Bolivar St. Jefferson City, Mo</u> (address)</p> <p>in <u>Colt</u> (County/City of St. Louis), MO, on <u>6-25-18</u> (date) at <u>10:35 A.M.</u> (time).</p> <p><u>Ruth R. Harmon</u> (Printed Name of Sheriff or Server)</p> <p><u>[Signature]</u> (Signature of Sheriff or Server)</p>	
<p><b>DONNA R. MEYER</b> Notary Public - Notary Seal STATE OF MISSOURI Commissioned for Cole County Commission No. 13435325 My Commission Expires 3/2/2021</p> <p><b>Must be sworn before a notary public if not served by an authorized officer:</b></p> <p>Subscribed and sworn to before me on <u>06-25-2018</u> (date).</p> <p>My commission expires: <u>03-03-2021</u> (date)</p> <p><u>[Signature]</u> Notary Public</p>	
<p><b>Sheriff's Fees</b></p> <p>Summons \$ _____</p> <p>Non Est \$ _____</p> <p>Sheriff's Deputy Salary \$ <u>10.00</u></p> <p>Supplemental Surcharge \$ _____ ( _____ miles @ \$ _____ per mile)</p> <p>Mileage \$ _____</p> <p>Total \$ _____</p> <p>A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>	